

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Jody Burtsell

v.

Civil No. 08-cv-00455-JL

New Hampshire Department  
of Health and Human Services,  
Commissioner

**ORDER AFTER PRELIMINARY  
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **June 11, 2009**.

The Discovery Plan (document no. 10) is approved as submitted, with the following changes:

- Completion of discovery -- **October 1, 2009**

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence: second (lack of jurisdiction); and fifth (failure to mitigate--the plaintiff is not claiming damages per se).

**Summary Judgment.** The parties and counsel are advised that compliance with Rule 56 and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and

delineation of material issues of disputed fact, will be required.

**SO ORDERED.**

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante  
United States District Judge

Dated: June 12, 2009

cc: David P. Slawsky, Esq.  
Jason D. Reimers, Esq.  
Nancy J. Smith, Esq.